



INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1315]

Certain Digital Set-Top Boxes and Systems and Services Including the Same; Institution of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 22, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Broadband iTV, Inc., of Austin, Texas. Supplements to the complaint were filed on April 27, 2022, May 3, 2022, May 10, 2022, and May 12, 2022. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain set-top boxes and systems and services including the same by reason of infringement of certain claims of U.S. Patent No. 9,866,909 (“the ’909 patent”); U.S. Patent No. 10,555,014 (“the ’014 patent”); U.S. Patent No. 9,936,240 (“the ’240 patent”); and U.S. Patent No. 11,277,669 (“the ’669 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2021).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 24, 2022, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-4 and 10-16 of the '909 patent; claims 1, 3-5, 7, 9, 10, and 12 of the '014 patent; claims 1-9 and 12-15 of the '240 patent; and claims 1-3 and 5-16 of the '669 patent, whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "(i) imported set-top boxes, including streaming devices, for receiving television services and (ii) services and systems that incorporate the imported set-top boxes, and components of such systems, including servers, mobile streaming apps, content delivery networks, and ingestion tools;"

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Broadband iTV, Inc.

900 South Capital of Texas Highway

Building IV, Suite 480

Austin, TX 78746

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Comcast Corporation

One Comcast Center

1701 John F. Kennedy Blvd.

Philadelphia, PA 19103

Comcast Cable Communications, LLC

One Comcast Center

1701 John F. Kennedy Blvd.

Philadelphia, PA 19103

NBCUniversal Media, LLC

100 Universal City Plaza

Universal City, CA 91608

Charter Communications, Inc.

400 Washington Blvd.

Stamford, CT 06902

Charter Communications Operating, LLC

12405 Powerscourt Dr.

St. Louis, MO 63131

Charter Communications Holding

Company, LLC

12405 Powerscourt Dr.

St. Louis, MO 63131

Spectrum Management Holding

Company, LLC

12405 Powerscourt Dr.

St. Louis, Missouri 63131

Altice USA, Inc.

One Court Square West

Long Island City, NY 11101

CSC Holdings, LLC

One Court Square

Long Island City, NY 11101

Cablevision Systems Corp.

1111 Stewart Ave

Bethpage, New York 11714

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 24, 2022.

Lisa Barton,

Secretary to the Commission.

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